

**TITLE 13  
OFFENSES AND REGULATIONS**

(Title replaced in its entirety, effective 5/20/06, Ordinance 2006-06)

Chapters:

- 13.01: General Provisions
- 13.02: Offenses
- 13.03: Minors
- 13.04: Public Safety
- 13.05: Offenses to Property
- 13.06: Gambling and Swindling

**CHAPTER 13.01  
GENERAL PROVISIONS**

SECTIONS:

- 13.01.01: Scope and Purpose
- 13.01.02: Definitions
- 13.01.03: Penalty

**13.01.01: SCOPE AND PURPOSE**

The purpose of this Title is set forth certain unlawful actions and the penalty therefore, violation of which shall be enforceable within the City and one mile thereof.

**13.01.01: DEFINITIONS**

**PUBLIC PLACE:** Any place whether within or without a building commonly and customarily open to or used by the general public and any street, highway, alley or sidewalk.

**13.01.03: PENALTY**

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

**CHAPTER 13.02  
OFFENSES**

- 13.02.01: Disorderly Conduct
- 13.02.02: Disorderly Assembly
- 13.02.03: Causing or Engaging in Riot
- 13.02.04: Resisting, Assisting to Resist, Escaping from or Assaulting an Officer
- 13.02.05: Impersonating an Officer
- 13.02.06: Lurking about Premises
- 13.02.07: Hindering or Molesting Passerby
- 13.02.08: Playing in Streets
- 13.02.09: Trespass and Unauthorized Use of Property
- 13.02.10: Open Containers
- 13.02.11: Noise Regulation and Limitation
- 13.02.12: Motorcycle and Automobile Dynamometers
- 13.02.13: Pedestrian Interference and Aggressive Solicitation

**13.02.01: DISORDERLY CONDUCT**

No person shall intentionally cause serious public inconvenience, annoyance or alarm to any other person or creates a risk thereof by:

- A. Engaging in fighting or in violent or threatening behavior or inciting others to do the same;
- B. Making unreasonable noise or inciting others to do the same;
- C. Disturbing any lawful assembly or meeting of persons without lawful authority, or inciting others to do the same;
- D. Obstructing vehicular or pedestrian traffic;

**13.02.02: DISORDERLY ASSEMBLY**

No person may cause a risk to public safety, peace, health or welfare, or create a risk of significant public inconvenience, annoyance or alarm to any member of the public by joining, being a part of or remaining at a **DISORDERLY ASSEMBLY**. For purposes of this section of Title 13, **DISORDERLY ASSEMBLY** means an assembly of 3 or more persons, some or all of whom are engaged in conduct which threatens or creates a risk to the public peace, safety, health, welfare or convenience through:

- a) fighting, or
- b) by displaying violent or threatening behavior toward any person, or
- c) by loud or profane language, or
- d) by unreasonable noise, or
- e) by obstructing or interfering with usual vehicular or pedestrian traffic, or
- f) by littering or breakage of any item of private or public personal property.

A disorderly assembly of persons is prohibited and any law enforcement officer shall have the authority to disperse those persons assembled and to require them to leave or remove themselves from the place of assembly. Any person present at or participating in a disorderly assembly who fails or refuses to leave, vacate or disperse from the place after having been commanded to do so by a law enforcement officer shall be guilty of Disorderly Assembly.

(13.02.02 revised by Ordinance 2013-17, effective 11-20-2013)

**13.02.03: CAUSING OR ENGAGING IN A RIOT**

No person shall cause or engage in a riot or incite a mob to destroy property or injure persons, nor shall any person commit or suffer to be committed in any house or building or premises by him occupied any rioting, quarreling, fighting, reveling, drunkenness, loud or boisterous conduct calculated to or which disturbs the neighborhood or annoys any person.

**13.02.04: RESISTING, ASSISTING TO RESIST, ESCAPING FROM OR ASSAULTING AN OFFICER**

No person shall in any way willfully resist, or aid or assist any person to resist or to escape from any law enforcement officer, or to assist any person to assault any law enforcement officer, or shall in any way interfere with a law enforcement officer, in making an arrest or in the discharge of his duties.

**13.02.05: IMPERSONATING AN OFFICER**

No person not duly authorized to exercise the duty conferred by Ordinance upon police officers of this City, shall wear a police officer's badge, or represent himself as being a police officer, or attempt to exercise the duties of a police officer.

**13.02.06: LURKING ABOUT PREMISES**

No person shall lurk or wait or conceal himself in or about any house or other building, or in or about any yard, street, alley or other public place, who being so found shall be unwilling or unable to give an explanation for his conduct consistent with a legitimate purpose.

**13.02.07: HINDERING OR MOLESTING PASSERBY**

No person shall upon any street, or at the entrance of any building on any such street, alley or sidewalk, wrongfully hinder, impede or molest any passerby, or use any rude, obscene, vulgar, indecent or threatening language to any passerby, or by any indecent act, gesture or noise molest, annoy or insult or put in fear any person passing or attempting to pass on such street, alley or sidewalk or through the entrance to such buildings.

**13.02.08: PLAYING IN STREETS**

No person shall fly any kite, play any game, or engage in any exercise which obstructs or interferes with the use of the streets for traffic or passage, or endangers the safety and lives of those thereon.

**13.02.09: TRESPASS AND UNAUTHORIZED USE OF PROPERTY**

No person shall lodge, use, enter or occupy any barn, garage, shed, shop or other house or building or structure, or enter or remain in such a building or structure surreptitiously without permission of the owner or person entitled to possession. No person shall lodge, use, enter or occupy any automobile, truck, railroad car or other vehicle or structure, or enter or remain in any such vehicle or structure surreptitiously, without permission of the owner or person entitled to possession.

No person shall knowingly enter upon any privately owned real property which is not open to the use of the public, unless he has first obtained the consent of the owner or person in possession or control thereof.

Any person who, knowing that he or she is not privileged to do so, enters or remains in any place where notice against trespass is given by:

- A) Actual communication to the person who subsequently commits the trespass, or
- B) Posting in a manner reasonably likely to come to the attention of trespassers, or
- C) Fencing or other enclosure which a reasonable person would recognize as being designed to exclude trespassers, is guilty of trespass.

No person shall camp or otherwise lodge in any public way, park public place or on any property owned by the public which is not specifically designated as an area authorized for camping or other lodging, unless authorized by the City Council.

(13.02.01 thru 13.02.08 amended effective 8/3/2011, Ordinance 2011-04.)

(13.02.08 amended effective 03/31/07, Ordinance 2007-07)

### **13.02.10: OPEN CONTAINERS**

No person shall consume, mix or blend any alcoholic beverage with any other beverage, regardless of whether such beverage is an alcoholic beverage, in any public place excluding the property of the Sturgis Municipal Park and excluding upon the premises of a licensed on-sale dealer, where such alcoholic beverages were purchased from such dealer for on-sale purposes.

No person shall possess in any public place other than upon the premises of a licensed on-sale dealer, any glass, can, bottle or other container, containing an alcoholic beverage on which the seal has been broken.

No person shall throw, cast or otherwise put in motion, any bottle, can, glass or any other container, at any other person or vehicle, whether moving or parked, or to dispose of or deposit any bottle, can, glass or other container upon any street, alley, highway, sidewalk or park.

The City Council may by resolution, after a duly noticed public hearing, close off an area of a public street for special events. In the event that any area of a public street is closed by resolution duly passed by the City Council, said area shall not be construed as a "public place" as that term is defined in Section 13.01.01 of this Title and the restrictions upon open containers set forth in this Section shall not be enforced within said area during the timeframe of closure set forth in the resolution. The timeframe of the closure set forth in the resolution may not exceed twenty four (24) hours, and the hours of authorized consumption shall not exceed those permitted for on-sale licensees.

Any person requesting the closure of an area of a public street may do so by making application to the City Finance Office on a form to be provided by the City and paying a fee of Fifty Dollars (\$50.00). Said application shall include and/or be accompanied by the following information:

- A. The applicant's name, address and phone number;
- B. A detailed description of the area of street the applicant is requesting be closed;
- C. The date and time for which the applicant is requesting closure; and
- D. The purpose for which the closure is being requested.

Upon receipt of an appropriately completed application and fee, the Finance Officer shall set a public hearing and give notice of the hearing by publishing notice of public hearing in the official newspaper at least ten (10) days prior to the date of the hearing.

(13.02.09 amended effective 08/18/07, Ordinance 2007-19)

### **13.02.11: NOISE REGULATION AND LIMITATION**

- A. The purpose and intent of this section is to protect, preserve and promote the health, safety, welfare, peace, quiet and tranquility for the citizens of the city and persons or visitors frequenting the city through the reduction, control and prevention of noise which is disruptive and constitutes an annoyance to such citizens and persons. The city recognizes and acknowledges the topography of the city and that businesses are located primarily along the streets and highways which travel through the bottom of the valley of the city and that sound and noise rising from such highways and streets is easily heard and echoes above such streets and alleys to the surrounding area where most of the citizens of the city reside. The city acknowledges and recognizes that the Sturgis Rally has created a certain business environment which now dominates the business community of the city. This environment has also greatly increased the number of visitors and tourists visiting the city and greatly increased both vehicle traffic and pedestrian traffic and general noise level on the streets and sidewalks of the city.
- B. General Restrictions:
1. A person or property owner may not:
    - a. Make or permit any disruptive noise or use sound equipment in public or outside between 2:00 a.m. and 8:00 a.m.;
    - b. Operate construction equipment, tools or conduct construction activities between ten (10) p.m. and six (6) a.m.; or
    - c. Operate sound equipment in a vehicle causing any disruptive noise or a discernable vibration twenty (20) feet from the vehicle.
  2. In addition to the specific prohibitions outlined in subsection A, it is unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons or a person by committing any act or acts of disturbance within the limits of the city. (Animal noise, see also subsection 32.03.10 of City Ordinances.)
  3. Excessive Vehicle Noise and Dynamic Engine Braking:

It is unlawful for any person within the city limits of the City to make, or cause to be made, loud or disturbing or offensive noise with any mechanical devices operated by compressed air and used for purposes of assisting braking such as Dynamic Engine Braking Devices. (Commonly referred to as "Jake" brake; see also subsection 16.02.25 of City Ordinances regarding Exhibition Driving, or subsection 16.03.06 of City Ordinances regarding Noise Regulation and Muffler Cut-out.)
- C. Requirements for Use of Outdoor Sound Amplification Equipment:  
As provided in this chapter, any person, partnership, association, corporation or business desiring to use or operate any loudspeaker, public address system or other sound amplifying equipment outdoors, or indoors but designed to project the sound outdoors, shall not be permitted. This chapter shall not apply to the following:
1. Authorized parades such as High School Homecoming.

2. The activities and events of the Sturgis Motor Cycle Rally but only for the seven days of the "Official Rally dates" and three (3) day before and three (3) days after those dates, and only during the hours of 8:00 am to 2:00 am.
3. Other Events as allowed by the City in approving a Special Event application, for the times and dates established by the City.
4. Athletic games or contests such as football games, softball games, baseball games, soccer games, rodeos, bicycle races, and other similar events;
5. Performances, shows or entertainment presented to the general public, in compliance with all City Ordinances, on private property.
6. Emergency vehicles and for emergency purposes such as police, fire and ambulance sirens or warning devices and loudspeakers used in connection with crimes, disasters or emergencies;
7. An employee of a governmental entity engaged in the employee's official duty;
8. A person operating a bell for or participating in a scheduled religious worship activity.

(13.02.11 revised with Ordinance 2014-06, effective 4/16/2014)

### **13.02.12: MOTORCYCLE AND AUTOMOBILE DYNAMOMETERS**

No person shall operate a motorcycle or automobile dynamometer within the City without first obtaining a permit from the Sturgis Police Department. Application for said permit shall be made to the Sturgis Police Department. Any applicant shall provide the following information:

- A. Name and address of responsible person;
- B. Desired location of the dynamometer;
- C. Name and address of the owner of the real property upon which the dynamometer is proposed to be placed; and
- D. The dates the dynamometer will be in operation.

There shall be no fee for any permit issued pursuant to this Section. The Chief of Police and the Building Inspector shall perform an investigation based upon the information provided by the applicant to determine whether the permit should be issued. Said investigation shall include observing the proposed location, including its distance from any residential district; interviewing the responsible person to determine if all steps have been taken to minimize the noise created by the dynamometer, and checking for any prior complaints involving the applicant.

Any dynamometer shall only be operated between the hours of 9:00 a.m. and 9:00 p.m.

The permit issued pursuant to this Section shall be presented to the Finance Officer before issuance of any Vendor/Transient Merchant License for any business involving a dynamometer.

### **13.02.13: PEDESTRIAN INTERFERENCE AND AGGRESSIVE SOLICITATION**

No person shall interfere with pedestrian traffic or free movement of pedestrians within the City, nor interfere with vehicle traffic within the City by Solicitation, Aggressive Solicitation or through any other prohibited activity. It is the City's intent to fairly and reasonably balance the need provide for safe pedestrian and traffic movement with interest of the public in the exercise of those rights secured by the Constitution of the State of South Dakota.

The Definitions that apply in this chapter are as follows;

- A. **AGGRESSIVELY BEG:** To beg with the intent to intimidate another person into providing money or goods.
- B. **AGGRESSIVE MANNER:**
- 1) Approaching or speaking to a person, or following a person before, during or after soliciting them, or acting in any other manner intended or reasonably likely to cause a reasonable person to fear bodily harm to themselves or another, or reasonable fear of damage to or loss of property, or conduct otherwise intended or likely to cause a person to be intimidated to give money or anything of value in response;
  - 2) Continuing to solicit (from) a person after the person has given a negative response to the act of solicitation;
  - 3) Intentionally touching or causing physical contact with another person without that other person's consent while in the course of soliciting;
  - 4) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
  - 5) Using violent or threatening gestures toward the person solicited;
  - 6) Following the person being solicited, with the intent of asking or intimidating that person so that the person will give over money or other item of value;
  - 7) Speaking at a volume unreasonably loud, under the circumstances; or
  - 8) Soliciting money or thing of value from a person waiting in line for entry to building or waiting in line for any other purpose.
- C. **AUTOMATED TELLER MACHINE.** A device, linked to an account record of a financial institution, which allows a person or customer to carry out transactions at the device, including but not limited to deposits, withdrawals, fund transfers, balance inquiries, payment of loan or other obligations or similar activities.
- D. **BEG:** To ask for money or goods for the benefit of another, whether by words, bodily gestures signs or any other means.
- E. **FINANCIAL INSTITUTION:** Any bank, credit union, savings and loan or other similar business.
- F. **INTIMIDATE:** To engage in conduct or actions which would make a reasonable person fearful for their safety or feel compelled to act against their wishes.
- G. **OBSTRUCT PEDESTRIAN OR VEHICULAR TRAFFIC:** To walk, stand, sit, lie, or place an object or the person's body in such a manner as to inhibit or interfere with passage by another person or vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of the person's

recognized constitutional right to exercise freedom of speech or expression, and acts authorized by a permit issued pursuant to the Exception provision of this subsection, do not constitute obstruction of pedestrian or vehicular traffic.

- H. PEDESTRIAN: Any person moving or traveling on foot, including any person wearing roller skates or roller blades, riding on a skateboard or riding on an electric personal assistive device.
- I. PUBLIC PLACE: An area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those facilities or establishments that serve food or provide entertainment, and including the area of doorways and entrances to those areas or establishments and the grounds immediately surrounding the same. It includes but is not limited to property to which a governmental entity has title or the right to exclusive use or possession, or other property or locations to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, playground, transportation facility, school and school property, place of amusement, park or plaza.
- J. ROADWAY: That portion of a street or highway improved and paved and ordinarily used for authorized vehicular travel, exclusive of the berm or shoulder. A limited access highway may include within it two or more such separate roadway areas.
- K. SIDEWALK: That area outside the public right of way and the area of a roadway, paved with concrete or a similar surface as set forth at Title 15.04 of these Ordinances, intended for use by pedestrians to travel.
- L. SOLICITING: To ask for money, objects of value or a transfer or exchange of any benefit, with the intention that the money, object of value or benefit be transferred, or commence to be transferred, at that time and at that place. Included in this definition is the use of the written, spoken or printed word, bodily gestures, signs or any other means of communication with the purpose of obtaining the prompt transfer, donation or exchange of said money, object of value or benefit or otherwise soliciting the immediate sale of goods or services by the person so communicating.

#### Prohibited Acts.

- A. No person shall solicit in an aggressive manner in any public place at any time.
- B. No person shall solicit, on any private or residential property, without first having obtained the permission from the owner, lessee or other person lawfully in possession of that property.
- C. No person shall solicit within 20 feet of any entrance or exit of any financial institution or 20 feet of any automated teller machine without the consent of the owner or lessee the property or another person legally in possession of the premises.
- D. No person shall solicit an operator or other occupant of a motor vehicle.
- E. No person shall solicit any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying or reserving a public parking space, or directing the

operator or occupant to a public parking space.

- F. No person shall solicit in any manner while under the influence of an alcoholic beverage or a controlled substance.
- G. No person shall solicit by stating that funds are needed to meet a specific need, when the solicitor has the funds to meet that need, does not intend to use the funds to meet that need, or does not have that need.
- H. No person shall solicit in any public transportation vehicle or at any bus stop or in any public parking lot or public structure.
- I. No person shall solicit within 6 feet of an entrance to a building.
- J. No person shall solicit within 20 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, the distance shall be measured from the entrance or exit of the telephone booth or facility.
- K. No person shall solicit in any manner or fashion at any time before sunrise or at any time after sunset.
- L. No person shall solicit within 20 feet of any public restroom facility.
- M. No person shall interfere with a pedestrian, and such interference has occurred if, in a public place where the person may otherwise be present, that person:
  - (1) Obstructs pedestrian or vehicular traffic as set defined in Subsection G herein, or
  - (2) Acts in a manner that is to beg aggressively, as defined in Subsections A, B and D herein.
- N. No person shall solicit at any time or in any manner in the area between the sidewalk and the nearby roadway. If no authorized sidewalk is fully located within eight (8) feet of the edge of the roadway, then no person shall solicit at any time or in any manner within eight (8) feet of the edge of the roadway.

**Exemption:** By resolution, the City Council may, in the exercise of its discretion, temporarily suspend the provisions imposed by Section 13.02.12 so as to permit an authorized charitable fund raising event.

**Severance:** If any section, sentence, clause or phrase of this Title is held invalid or determined to be unconstitutional by a court of competent jurisdiction, that holding shall in no way affect the validity of any remaining portions of this section.

**(13.02.12 added effective July 21, 2010, Ordinance 2010-07)**

**(13.02.02 added, 13.02.03-.13 renumbered, Ordinance 2013-17, effective 11/20/2013)**

**CHAPTER 13.03  
MINORS****SECTIONS:**

- 13.03.01: Curfew
- 13.03.02: Responsibility of Parent, Guardian, Custodian
- 13.03.03: Responsibility of Others
- 13.03.04: Loitering about Schools
- 13.03.05: Prohibiting Minors from Entering 3.2 Beer Establishments

**13.03.01: CURFEW**

No minor under the age of 16 years shall be abroad upon any public place between the hours of 10 o'clock in the evening and 5 o'clock in the morning of the following day unless accompanied by some adult person having him/her in charge, or unless upon some errand or legitimate business by written permission or direction of a parent, guardian, or employer, or, being upon such errand, to loiter on the way or make any undue noise, or to disturb the peace and quiet of the City; and any such minor who shall violate any of the provisions of the Section shall be subject to arrest.

**13.03.02: RESPONSIBILITY OF PARENT, GUARDIAN, CUSTODIAN**

No parent, guardian or person having the custody or control of any minor under the age of 16 years shall allow such minor to loiter in any drinking resort, public dance hall, public pool room, bowling alley or other place where the minor's presence is prohibited by law; or to allow any minor under the age of 16 years to be abroad in or upon any public place between the hour of 10 o'clock in the evening and 5 o'clock in the morning of the following day, unless accompanied by a parent or guardian or unless such minor child be on an errand or legitimate business by written permission of such parent, guardian or an employer.

**13.03.03: RESPONSIBILITY OF OTHERS**

No person operating any places of amusements, entertainment, restaurants, cafes, theaters, or other public places, shall allow any minor under the age of 16 years to enter or remain in such place of amusement and entertainment, restaurant, cafe, theater, or other public place during the hours prohibited under this Chapter.

No owner or operator of any motor vehicle shall allow any minor to be in or ride in such motor vehicle during the hours prohibited by this chapter; provided, however, that the provisions of this Section do not apply when the child is accompanied by a parent, guardian, or custodian if such minor child be on an errand or legitimate business by written permission of such parent, guardian or employer.

**13.03.04: LOITERING ABOUT SCHOOLS**

No person shall loiter, idle, wander, or play on or within 150 feet of any public, private or parochial school, college, or seminary grounds, or buildings, either on foot or on any vehicle, without having some lawful business therein or in connection with such school or the employees thereof.

No person shall:

- A. Annoy, disturb, or otherwise prevent the orderly conduct of classes and activities of any school;

- B. Annoy, disturb, assault or molest any student or employee of any school, while in any such building or on any such school grounds;
- C. Conduct himself/herself in a lewd, wanton or lascivious manner in speech or behavior in or about any school building or school grounds.
- D. Park or move a vehicle within 150 feet of or on the grounds of any school, for the purpose of annoying or molesting the students or employees thereof; or in an effort to induce, entice, or invite students into such vehicle for immoral purposes.

**CHAPTER 13.04  
PUBLIC SAFETY****SECTIONS:**

- 13.04.01: Carrying, Discharging Firearms
- 13.04.02: Concealed Weapons
- 13.04.03: Carrying: Persons Under 18
- 13.04.04: Reckless Discharge Prohibited
- 13.04.05: Hunting Within the City Limits

**13.04.01: DISCHARGING FIREARMS**

No person, except an officer of the law in the performance of his duty, shall discharge any firearm within the City.

**13.04.02: CONCEALED WEAPONS**

No person, except an officer of the law, or a person licensed under the South Dakota Law or a non-resident of the State possessing a valid permit issued in another State as recognized pursuant to SDCL 23-7-7.4 shall carry concealed about his person any pistol or other firearm, sling shot, brass knuckle or knuckles of other material or any dagger, bowie knife, kirk knife, or other dangerous or deadly weapon, or any instrument or device which when used is likely to produce death or great bodily harm.

**13.04.03: CARRYING: PERSONS UNDER 18**

No person under the age of 18 years shall carry, discharge or shoot off any gun, pistol, rifle, air gun, carbon dioxide gun, bow or any other firearm, or use for any purpose any such device for throwing or forcing through the air missiles or projectiles of any character, upon the street or about or within the City, unless accompanied by his or her parent or guardian.

(13.04.03 amended effective 3/31/07, Ordinance 2007-08)

**13.04.04: RECKLESS DISCHARGE PROHIBITED**

No person shall recklessly discharge or shoot off any air gun, carbon dioxide gun or bow or use in a reckless manner any of the aforementioned for any purpose such as throwing or forcing air missiles or projectiles of any character within the limits of the City.

(13.04.04 added effective April 21, 2007, Ordinance 2007-09)

**13.04.05: HUNTING PROHIBITED WITHIN CITY LIMITS**

No person shall be allowed to hunt within city limits. However, subject to the rules and regulations of the United States Government and consistent with the purposes of Federal Land Policy and Management Act of 1976 governing the administration of the public lands, archery only hunting is permitted where required by federal regulation on land owned by or under the control of the United States government and located inside the Sturgis city limits.

(13.04.05 Added with Ordinance 2015-14, effective 12/2/2015)

**CHAPTER 13.05  
OFFENSES TO PROPERTY**

SECTIONS:

13.05.01: Malicious Destruction of Property

13.05.02: Injury to Trees and Plants

**13.05.01: MALICIOUS DESTRUCTION OF PROPERTY**

No person shall willfully, maliciously, or wantonly destroy, injure, deface, or remove, without a right to do so, any private or City property or buildings.

**13.05.02: INJURY TO TREES AND PLANTS**

No person shall willfully, maliciously or wantonly, injure, deface, destroy, uproot or cut down any tree, shrub, grass or flower being or growing upon or along any street, alley, highway or in any public park, or upon any public grounds within the City. Nor shall any person willfully injure or destroy any cultivated fruits or vegetables, crops, shrubs, trees, flowers, grass, hedges, or vines, nor injure or carry off any of the products thereof which are the property of another, unless permission from the owner has been secured.

**CHAPTER 13.06  
GAMBLING AND SWINDLING**

SECTIONS:

- 13.06.01: Gambling Prohibited
- 13.06.02: Maintaining Gambling Places
- 13.06.03: Maintaining or Possessing Gambling Devices
- 13.06.04: Present in Gambling Room
- 13.06.05: Soliciting Another to Gamble
- 13.06.06: Permitting or Renting Premises for Gambling Purposes
- 13.06.07: Swindling
- 13.06.08: Games Keeper

**13.06.01: GAMBLING PROHIBITED**

No person shall within the City, or within one mile from the outer boundaries of said City play at roulette, chuck-luck, poker, faro, keno or any other gambling game or game of chance upon which money or any article of value is staked.

**13.06.02: MAINTAINING GAMBLING PLACES**

No person shall, either as owner, agent, tenant or superintendent, to keep any building, tent, booth or shanty or any other place in the City, or within one mile of the outer boundaries thereof where roulette, chuck-luck, poker, faro, keno or other game of chance for articles of value, is practiced or carried on, and no owner, agent, tenant or superintendent of any such building, part of building, tent, booth or shanty or any other place, shall knowingly let or allow it to be used for any kind of gambling or for playing any games of chance for money or other articles of value or for the purpose of cheating, defrauding, or swindling persons.

**13.06.03: MAINTAINING GAMBLING DEVICES: POSSESSION**

No person shall maintain, possess, keep or exhibit in this City or within one mile from the outer boundaries of said City, any slot machine wherein the gain by chance is involved, or any table, cards, dice, establishment, device or apparatus whatever, useful, used or intended to be used in playing any game of cards, faro, dice or other gambling game or games of chance for money or other articles of value, or used to cheat, defraud, or swindle persons.

**13.06.04: PRESENT IN GAMBLING ROOM**

No person shall be present at any place where gambling, as described in Section 13.05.01, is taking place with his knowledge.

**13.06.05: SOLICITING ANOTHER TO GAMBLE**

No person shall solicit, encourage or persuade another person to visit a place where gambling is taking place.

**13.06.06: PERMITTING OR RENTING PREMISES FOR GAMBLING PURPOSES**

No person shall permit or rent a room, building, or any portion thereof, which is owned by him/her or in

his/her possession or under his/her control, to be used for the purpose of gambling.

**13.06.07: SWINDLING**

No person shall engage in, practice or employ any game, trick, scheme or device with intent to cheat, defraud or swindle any person.

**13.06.08: GAMESKEEPER**

No person shall within this City, or within one mile from the outer boundaries thereof, act as gamekeeper or have charge of and manage any gambling game or games of chance upon which money or other articles of value are staked, or act as doorkeeper, solicitor, runner, agent or abettor of or for any house wherein any gambling game or games of chance for money or other articles of value are practiced or allowed to be practiced or carried on.

(Title replaced in its entirety, effective 5/20/06, Ordinance 2006-06)